



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21419 of 2018

S.SUMATHI ... PETITIONER / ACCUSED (RANK NOT KNOWN)

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.252 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.THIRUVADI KUMAR Advocate

For Respondent : MR.M.ASOKAN , Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 436 of I.P.C., in Crime No.252 of 2015, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner would submit that the petitioner is a Teacher in Panchayat Union Primay School, Karunkulam and on 11.11.2015, the defacto complainant/Headmistress had reached the school at about 09.00 a.m., the petitioner said to have been handed over the leave letter and left the school and after five minutes whereafter smoke transpired from the class room of the petitioner and when the room was opened, there was fire which was extinguished.

3. The learned counsel for the petitioner would submit that, initially, a case was registered on 13.11.2015 and thereafter, the petitioner moved anticipatory bail twice before this Court and that the petitioner had not executed the sureties and hence the anticipatory bail stands cancelled. He would further submit that, in the meanwhile, the petitioner had filed W.P.(MP) No. 10335 of 2017, seeking transfer and promotion and the Education Department had filed a counter wherein admitted that action of the petitioner amounts to dereliction of duty and she had not informed about the fire. He would further submit that the prosecution case is that the petitioner has set fire.



4. Heard the learned Government Advocate appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

WEB COPY

+1. CC to MR.A.THIRUVADI KUMAR Advocate SR.No. 22766

ORDER

IN

CRL OP (MD) No.21419 of 2018

Date :05/12/2018

MSI/JC/SAR-I/14.12.2018-3P/6C